

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CMACO AUTOMOTIVE SYSTEMS,
INC.,

Plaintiff,

v.

WANXIANG AMERICA
CORPORATION,

Defendant.

CIVIL ACTION NO. 05-60087

DISTRICT JUDGE JOHN CORBETT O'MEARA

MAGISTRATE JUDGE DONALD A. SCHEER

ORDER

In an Order of February 26, 2007, the magistrate judge granted Plaintiff's Motion to Compel Responses to Document Requests which sought access to documents which were in the physical possession of several foreign corporations characterized for purposes of the Motion as "Wanxiang China." In making the responses compelled by that Order, Defendant asserted attorney/client privilege and/or attorney work product protection with regard to 19 documents. A privilege log was served upon Plaintiff in connection with those documents. In a Motion filed on May 18, 2007, Plaintiff sought production of the documents identified in the privilege log. In an effort to resolve the dispute, the parties submitted a Stipulated Order authorizing the magistrate judge to conduct an *in camera* inspection. Supplemental briefs were also filed by both parties.

Having examined the disputed documents in light of the privilege assertions and the supplemental briefs, I find that the attorney/client privilege and/or attorney work product protection is properly asserted as to each of them. The February 26, 2007 Order Compelling Responses to Plaintiff's Document Requests was premised upon the

conclusion that the relationship between Defendant and the Wanxiang China entities was such as to vest Defendant with "control" over the requested documents. I am satisfied that communications between such related entities for the purpose of securing legal representation are entitled to attorney/client privilege and/or attorney work product protections. Based upon my review, I find that each of the documents listed in the privilege log is either a communication with counsel for the purpose of securing/issuing legal advice, or a communication between agents of the related entities for the purpose of obtaining/exchanging information requested by counsel or intended to be presented to counsel for purposes of securing legal advice.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel Production of Documents, filed May 18, 2007, is denied with respect to the 19 documents listed in Defendant's privilege log and presented to the magistrate judge for *in camera* review.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: July 12, 2007

CERTIFICATE OF SERVICE

I hereby certify on July 12, 2007 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on July 12, 2007. **None.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217